



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 00994-00

7 March 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: LT [REDACTED], USN, [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 2 Feb 00 w/attachments
(2) NAVINSGEN N66 Memo for the Record
fax dtd 29 Dec 99 w/encls
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing the fitness report for 22 May 1998 to 31 January 1999, a copy of which is at Tab A.

2. The Board, consisting of Messrs. Pfeiffer and Zs Salman and Ms. Schnittman, reviewed Petitioner's allegations of error and injustice on 2 March 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. The information at enclosure (2), provided by the Naval Inspector General, supports Petitioner's assertion that he was unfairly evaluated in the contested fitness report.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing therefrom the following fitness report and related material:

Date of Report	Reporting Senior	Period From	of Report To
99Feb11	CAPT [REDACTED]	98May22	99Jan31

b. That there be inserted in Petitioner's naval record a memorandum in place of the removed report containing appropriate identifying data concerning the report; that the memorandum state that the report has been removed by order of the Secretary of the Navy in accordance with the provisions of federal law and may not be made available to selection boards and other reviewing authorities; and that such boards may not conjecture or draw any inference as to the nature of the report.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

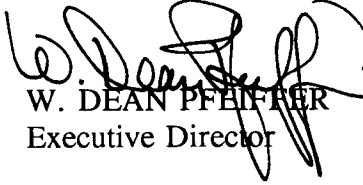
d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder

Jonathan S. Ruskin
JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director

Memorandum for the Record

To: [REDACTED] BCNR Deputy Director
Subj: Command Climate Assessment ICO Naval Computer and Telecommunications Area
Master Station, Pacific, Wahiawa, HI

Ref: (a) PHONCON btwn [REDACTED] MAVINSGEN [REDACTED] (NR) of 29 Dec 99

1. As discussed (ref (a)), I am forwarding an unredacted copy of the 9 Sep 99 Command Climate Assessment ICO subject command. We anticipate that a significant number of officers, who were evaluated by the Commanding Officer during her three-year assignment, may petition the board for removal of their FITREPs which are addressed (to some extent) in the report. The command climate, under the CO's leadership, was assessed as being well below par, which will support petitioners' claims that many were unfairly treated in the evaluation process.
2. Other investigations into the allegations made by specific officers are ongoing.
3. I can be reached at [REDACTED]

[REDACTED]